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APR 14 2017

Clerk, U.S. District Court
District Of Montana
Billings

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Attorneys for Shoshone Tribe

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

NORTHERN ARAPAHO TRIBE, for itself and as *parens patriae* Plaintiff, v. DARRYL LaCOUNTE, LOUISE REYES, NORMA GOURNEAU, RAY NATION, MICHAEL BLACK and other unknown individuals, in their individual and official capacities, Defendants.	CV-16-00011-BLG-BMM and CV-16-00060-BLG-BMM (Consolidated) **MOTION OF SHOSHONE TRIBE OF THE WIND RIVER RESERVATION TO PARTICIPATE IN APRIL 27, 2017 SETTLEMENT CONFERENCE**
NORTHERN ARAPAHO TRIBE, Plaintiff, v.	

UNITED STATES DEPARTMENT OF THE INTERIOR; SALLY JEWELL, in her official capacity as Secretary, United States Department of the Interior;

and

DARRYL LACOUNTE, in his official capacity as Director, Rocky Mountain Regional Office, BIA, Billings, Montana

Defendants.

MOTION OF SHOSHONE TRIBE OF THE WIND RIVER RESERVATION TO PARTICIPATE IN APRIL 27, 2017 SETTLEMENT CONFERENCE

Applicant, Shoshone Tribe of the Wind River Reservation, or Eastern Shoshone Tribe ("EST"), moves this Court for an Order permitting EST to attend and participate in the settlement conference scheduled for Thursday, April 27, 2017 in the above-captioned matter (NAT v. LaCounte) (Order, Document 154, Case 1:16-cv-00011-BMM).

The claims in NAT v. LaCounte are inextricably intertwined with the claims and federally-protected interests of EST in EST's claims filed yesterday against the same Defendants in Case 1:17-CV-00045-SPW. In addition to having the same Defendants in common, these matters involve the same facts and common questions of law.

EST's participation in the settlement conference will promote resolution.

EST has filed a motion to intervene in NAT v. LaCounte.

The Federal Defendants owe a fiduciary duty to EST that cannot be properly fulfilled without allowing EST to participate in the settlement conference.

Additionally, EST has a protected interest under the Indian Self-Determination and Education Assistance Act ("ISDEAA"), P.L. 93-638, as amended, 25 U.S.C. §§ 5301 et seq., related to contract proposals submitted to Defendants by NAT. EST has proposed to contract for the same shared programs. NAT's claims in NAT v. LaCounte seek to overtly and practically exclude EST from participation in shared programs and governance on the Wind River Reservation. When those claims are discussed at the upcoming settlement conference any agreement would as a practical matter impair and impede EST's ability to protect its interests, unless EST is able to protect its interests by participating.

Accordingly, EST should be granted an Order allowing it to attend and participate in the April 27, 2017 Settlement Conference.

EST has complied with L.R. 7.1(c)(1)[1], and contacted the parties in this case. Plaintiff NAT is considering EST's request to attend and participate in the April 27, 2017 Settlement Conference. Federal Defendants do not oppose the participation of EST in the April 27, 2017 settlement conference.

Dated this 14th day of April, 2017.

ELK RIVER LAW OFFICE

Majel M. Russell

[1] With regard to EST's motion to intervene filed yesterday, in order to comply with L.R. 7.1(c)(1), EST now informs the Court that Plaintiff is considering EST's Motion to Intervene on April 12, 2017, and Defendants oppose it.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Andrew W. Baldwin, Berthenia S. Crocker Kelly A. Rudd, Mandi A. Vuinovich BALDWIN, CROCKER & RUDD, P.C. P.O. Box 1229 Lander, WY 82520-1229 andy@bcrattorneys.com berthenia@bcrattorneys.com rudd@bcrattorneys.com mj@bcrattorneys.com *Attorneys for Northern Arapaho Tribe*	☒ U.S. Mail ☐ Hand Delivered ☐ Email
James D. Todd, Jr. Joseph E. Borson UNITED STATES DEPARTMENT OF JUSTICE Civil Division, Federal Programs Branch 20 Massachusetts Avenue, N.W. Washington, D.C. 20530 james.todd@usdoj.gov joseph.borson@usdoj.gov *Attorneys for Federal Defendants*	☒ U.S. Mail ☐ Hand Delivered ☐ Email

DATED this 14th day of April, 2017.

Stephanie Harris
ELK RIVER LAW OFFICE